



General Assembly

Substitute Bill No. 1047

January Session, 2001

AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) The Support Enforcement Division of the judicial
2 branch shall hereafter be known as Support Enforcement Services,
3 which shall be the successor to the Support Enforcement Division and
4 shall assume all the powers, duties and obligations of the Support
5 Enforcement Division and its staff. Notwithstanding any other
6 provision of the general statutes, the duties of the various personnel of
7 the Support Enforcement Division and the staff of the Support
8 Enforcement Division are hereby transferred to Support Enforcement
9 Services, and the Support Enforcement Division is hereby dissolved.

10 Sec. 2. Subsection (d) of section 17b-137 of the general statutes is
11 repealed and the following is substituted in lieu thereof:

12 (d) (1) For the purposes of this subsection, "high-volume automated
13 administrative enforcement" means the identification of assets,
14 through automated data matches with financial institutions and other
15 entities, as provided in this section and required by federal law, and
16 the seizure of such assets in accordance with subsections (d) and (e) of
17 section 52-362d.

18 (2) The IV-D agency shall: (A) Use high-volume automated
19 administrative enforcement, as defined in subdivision (1) of this

20 subsection, to the same extent as in intrastate cases; and (B) promptly
21 report the results of such enforcement procedure to the requesting
22 state.

23 (3) [The] Support Enforcement [Division] Services or the IV-D
24 agency may, by electronic or other means, transmit to another state a
25 request for assistance in enforcing support orders administratively, in
26 a manner similar to this subsection, which request shall: (A) Include
27 information that shall enable the state to which the request is
28 transmitted to compare the information about the cases to the
29 information data bases of such state; and (B) constitute a certification
30 by this state (i) of the amount of support under an order the payment
31 of which is in arrears, and (ii) that this state has complied with all
32 procedural due process requirements applicable to each case.

33 (4) If the IV-D agency provides assistance under this subsection to
34 another state concerning a case, such case shall not be considered
35 transferred to the caseload of the IV-D agency.

36 (5) The IV-D agency shall maintain records of: (A) The number of
37 requests for assistance received under this subsection; (B) the number
38 of cases for which such agency collected support in response to such
39 requests; and (C) the amount of such collected support.

40 Sec. 3. Subsection (b) of section 17b-745 of the general statutes is
41 repealed and the following is substituted in lieu thereof:

42 (b) Except as provided in sections 46b-212 to 46b-213v, inclusive, as
43 amended by this act, any court or family support magistrate, called
44 upon to enforce a support order, shall insure that such order is
45 reasonable in light of the obligor's ability to pay. Except as provided in
46 sections 46b-212 to 46b-213v, inclusive, as amended by this act, any
47 support order entered pursuant to this section, or any support order
48 from another jurisdiction subject to enforcement by the state of
49 Connecticut, may be modified by motion of the party seeking such
50 modification, including [the] Support Enforcement [Division] Services
51 in TANF support cases as defined in subdivision (14) of subsection (b)

52 of section 46b-231, upon a showing of a substantial change in the
53 circumstances of either party or upon a showing that the final order for
54 child support substantially deviates from the child support guidelines
55 established pursuant to section 46b-215a, unless there was a specific
56 finding on the record that the application of the guidelines would be
57 inequitable or inappropriate, provided the court or family support
58 magistrate finds that the obligor or the obligee and any other
59 interested party have received actual notice of the pendency of such
60 motion and of the time and place of the hearing on such motion. There
61 shall be a rebuttable presumption that any deviation of less than fifteen
62 per cent from the child support guidelines is not substantial and any
63 deviation of fifteen per cent or more from the guidelines is substantial.
64 Modification may be made of such support order without regard to
65 whether the order was issued before, on or after May 9, 1991. In any
66 hearing to modify any support order from another jurisdiction the
67 court or the family support magistrate shall conduct the proceedings in
68 accordance with the procedure set forth in sections 46b-213o to 46b-
69 213q, inclusive. No such support orders may be subject to retroactive
70 modification except that the court or family support magistrate may
71 order modification with respect to any period during which there is a
72 pending motion for a modification of an existing support order from
73 the date of service of notice of such pending motion upon the opposing
74 party pursuant to section 52-50.

75 Sec. 4. Section 46b-179a of the general statutes is repealed and the
76 following is substituted in lieu thereof:

77 (a) [The] Support Enforcement [Division] Services of the Superior
78 Court shall maintain a registry in the Family Support Magistrate
79 Division of paternity judgments from other states. Any party to an
80 action in which a paternity judgment from another state was rendered
81 may register the foreign paternity judgment in the registry maintained
82 by [the] Support Enforcement [Division] Services without payment of
83 a filing fee or other cost to the party.

84 (b) The party shall file a certified copy of the foreign paternity

85 judgment and a certification that such judgment is final and has not
86 been modified, altered, amended, set aside or vacated and that the
87 enforcement of such judgment has not been stayed or suspended. Such
88 certificate shall set forth the full name and last-known address of the
89 other party to the judgment.

90 Sec. 5. Section 46b-179b of the general statutes is repealed and the
91 following is substituted in lieu thereof:

92 Such foreign paternity judgment, on the filing with the registry
93 maintained by [the] Support Enforcement [Division] Services, shall
94 become a judgment of the Family Support Magistrate Division of the
95 Superior Court and shall be enforced and otherwise treated in the
96 same manner as a judgment of the Family Support Magistrate
97 Division. A foreign paternity judgment so filed shall have the same
98 effect and may be enforced in the same manner as any like judgment of
99 a family support magistrate of this state, provided no such judgment
100 shall be enforced for a period of twenty days after the filing thereof.

101 Sec. 6. Section 46b-207 of the general statutes is repealed and the
102 following is substituted in lieu thereof:

103 The court is authorized to establish and maintain [a] Support
104 Enforcement [Division] Services and such [division] offices thereof as it
105 determines are necessary for the proper handling of the administrative
106 details incident to proceedings under sections 46b-212 to 46b-213v,
107 inclusive, as amended by this act, and may appoint such personnel as
108 necessary for the proper administration of the nonjudicial functions of
109 proceedings under sections 46b-212 to 46b-213v, inclusive, as amended
110 by this act.

111 Sec. 7. Section 46b-208 of the general statutes is repealed and the
112 following is substituted in lieu thereof:

113 The support service investigators of [the] Support Enforcement
114 [Division] Services of the Superior Court shall, while acting within the
115 scope of their duties as such, pursuant to matters under sections 46b-

116 212 to 46b-213v, inclusive, as amended by this act, have the powers of
117 service and of execution of summons and orders for withholding, and
118 the conduct of investigations.

119 Sec. 8. Section 46b-212a of the general statutes is repealed and the
120 following is substituted in lieu thereof:

121 As used in sections 46b-212 to 46b-213v, inclusive, as amended by
122 this act:

123 (1) "Child" means an individual, whether over or under the age of
124 majority, who is or is alleged to be owed a duty of support by the
125 individual's parent or who is or is alleged to be the beneficiary of a
126 support order directed to the parent.

127 (2) "Child support order" means a support order for a child,
128 including a child who has attained the age of majority under the law of
129 the issuing state.

130 (3) "Duty of support" means an obligation imposed or imposable by
131 law to provide support for a child, spouse or former spouse, including
132 an unsatisfied obligation to provide support.

133 (4) "Governor" means an individual performing the functions of
134 Governor or the executive authority of a state covered by sections 46b-
135 212 to 47b-213v, inclusive, as amended by this act.

136 (5) "Home state" means the state in which a child lived with a parent
137 or a person acting as parent for at least six consecutive months
138 immediately preceding the time of filing of a petition or comparable
139 pleading for support and, if such child is less than six months old, the
140 state in which such child lived from birth with such parent or person
141 acting as parent. A period of temporary absence of such parent or
142 person acting as parent is counted as part of the six-month or other
143 period.

144 (6) "Income" includes earnings or other periodic entitlements to
145 money from any source and any other property subject to withholding

146 for support under the laws of this state.

147 (7) "Income withholding order" means an order or other legal
148 process directed to an obligor's employer, as defined in section 52-362,
149 to withhold support from the income of the obligor.

150 (8) "Initiating state" means a state from which a proceeding is
151 forwarded under sections 46b-212 to 46b-213v, inclusive, as amended
152 by this act, or a law or procedure substantially similar to said sections,
153 the Uniform Reciprocal Enforcement of Support Act or the Revised
154 Uniform Reciprocal Enforcement of Support Act.

155 (9) "Initiating tribunal" means the authorized tribunal in an
156 initiating state.

157 (10) "Issuing state" means the state in which a tribunal issues a
158 support order or renders a judgment determining paternity.

159 (11) "Issuing tribunal" means the tribunal which issues a support
160 order or renders a judgment determining paternity.

161 (12) "Law" includes decisional and statutory law and rules and
162 regulations having the force of law.

163 (13) "Obligee" means: (A) An individual to whom a duty of support
164 is or is alleged to be owed or in whose favor a support order has been
165 issued or a judgment determining paternity has been rendered; (B) a
166 state or political subdivision to which the rights under a duty of
167 support or support order have been assigned or which has
168 independent claims based on financial assistance provided to an
169 individual obligee; or (C) an individual seeking a judgment
170 determining paternity of the individual's child.

171 (14) "Obligor" means an individual, or the estate of a decedent: (A)
172 Who owes or is alleged to owe a duty of support; (B) who is alleged
173 but has not been adjudicated to be a parent of a child; or (C) who is
174 liable under a support order.

175 (15) "Register" means to file a support order or judgment
176 determining paternity in the registry of support orders of the Family
177 Support Magistrate Division of the Superior Court. Such a support
178 order or judgment shall be filed by delivery of the order or judgment
179 for filing to [the] Support Enforcement [Division] Services of the
180 Superior Court which shall maintain the registry on behalf of the
181 Family Support Magistrate Division.

182 (16) "Registering tribunal" means a tribunal in which a support
183 order is registered.

184 (17) "Responding state" means a state in which a proceeding is filed
185 or to which a proceeding is forwarded for filing under sections 46b-212
186 to 46b-213v, inclusive, as amended by this act, or a law or procedure
187 substantially similar to said sections, the Uniform Reciprocal
188 Enforcement of Support Act or the Revised Uniform Reciprocal
189 Enforcement of Support Act.

190 (18) "Responding tribunal" means the authorized tribunal in a
191 responding state.

192 (19) "Spousal-support order" means a support order for a spouse or
193 former spouse of the obligor.

194 (20) "State" means a state of the United States, the District of
195 Columbia, Puerto Rico, the U.S. Virgin Islands or any territory or
196 insular possession subject to the jurisdiction of the United States. The
197 term "state" includes an Indian tribe and a foreign jurisdiction that has
198 enacted a law or established procedures for issuance and enforcement
199 of support orders which are substantially similar to the procedure
200 under sections 46b-212 to 46b-213v, inclusive, as amended by this act,
201 the Uniform Reciprocal Enforcement of Support Act or the Revised
202 Uniform Enforcement of Support Act.

203 (21) "Support enforcement agency" means a public official or agency
204 authorized to seek: (A) Enforcement of support orders or laws relating
205 to the duty of support; (B) establishment or modification of child

206 support; (C) determination of paternity; or (D) the location of obligors
207 or their assets.

208 (22) "Support order" means a judgment, decree or order, whether
209 temporary, final or subject to modification, for the benefit of a child, a
210 spouse or a former spouse, which provides for monetary support,
211 health care, arrearages or reimbursement, and may include related
212 costs and fees, interest, income withholding, attorney's fees and other
213 relief.

214 (23) "Tribunal" means a court, administrative agency or quasi-
215 judicial entity authorized to establish, enforce or modify support
216 orders or to determine paternity.

217 Sec. 9. Section 46b-212b of the general statutes is repealed and the
218 following is substituted in lieu thereof:

219 The Superior Court and the Family Support Magistrate Division of
220 the Superior Court are the tribunals of this state. The Family Support
221 Magistrate Division is the tribunal for the filing of petitions under
222 sections 46b-212 to 46b-213v, inclusive, as amended by this act,
223 provided clerical, administrative and other nonjudicial functions in
224 proceedings before the Family Support Magistrate Division may be
225 performed by [the] Support Enforcement [Division] Services of the
226 Superior Court.

227 Sec. 10. Section 46b-212q of the general statutes is repealed and the
228 following is substituted in lieu thereof:

229 (a) When the Family Support Magistrate Division receives a petition
230 or comparable pleading from an initiating tribunal or directly pursuant
231 to subsection (c) of section 46b-212m, the Family Support Magistrate
232 Division, or [the] Support Enforcement [Division] Services acting on its
233 behalf shall promptly cause the petition or pleading to be filed and
234 notify the petitioner by first class mail where and when it was filed.

235 (b) In matters arising under this section, family support magistrates

236 shall have the same powers and authority as provided by law for IV-D
237 support cases.

238 (c) The family support magistrate may not condition the payment of
239 a support order issued under sections 46b-212 to 46b-213v, inclusive,
240 as amended by this act, upon compliance by a party with provisions
241 for visitation.

242 (d) If the Family Support Magistrate Division issues an order under
243 sections 46b-212 to 46b-213v, inclusive, as amended by this act, the
244 Family Support Magistrate Division, or [the] Support Enforcement
245 [Division] Services acting on its behalf, shall send a copy of the order
246 by first class mail to the petitioner and the respondent and to the
247 initiating tribunal, if any.

248 Sec. 11. Section 46b-212v of the general statutes is repealed and the
249 following is substituted in lieu thereof:

250 (a) [The] Support Enforcement [Division] Services of the Superior
251 Court is the state information agency under sections 46b-212 to 46b-
252 213v, inclusive, as amended by this act.

253 (b) The state information agency shall: (1) Compile and maintain a
254 current list, including addresses, of the tribunals in this state which
255 have jurisdiction under sections 46b-212 to 46b-213v, inclusive, as
256 amended by this act, and any support enforcement agencies in this
257 state and transmit a copy to the state information agency of every
258 other state; (2) maintain a registry of tribunals and support
259 enforcement agencies received from other states; (3) forward to the
260 appropriate tribunal in the place in this state in which the individual
261 obligee or the obligor resides, or in which the obligor's property is
262 believed to be located, all documents concerning a proceeding under
263 sections 46b-212 to 46b-213v, inclusive, as amended by this act,
264 received from an initiating tribunal or the state information agency of
265 the initiating state; and (4) obtain information concerning the location
266 of the obligor and the obligor's property within this state not exempt
267 from execution.

268 (c) In addition to its duties as the state information agency [the]
269 Support Enforcement [Division] Services of the Superior Court shall
270 maintain a registry of support orders and judgments in the Family
271 Support Magistrate Division of the Superior Court and shall perform
272 such clerical, administrative and other nonjudicial functions on behalf
273 of the Family Support Magistrate Division as may be required, or as
274 are otherwise agreed upon, pursuant to sections 46b-62, 46b-69, 46b-
275 179a, as amended by this act, 46b-179b, as amended by this act, 46b-
276 207, as amended by this act, 46b-208, as amended by this act, 46b-212
277 to 46b-213v, inclusive, as amended by this act, 46b-231, 52-362, as
278 amended by this act, and 52-362f, as amended by this act.

279 Sec. 12. Section 46b-213f of the general statutes is repealed and the
280 following is substituted in lieu thereof:

281 (a) A party seeking to enforce a support order or an income
282 withholding order, or both, issued by a tribunal of another state may
283 send the documents required for registering the order to [the] Support
284 Enforcement [Division] Services.

285 (b) Upon receipt of the documents, [the] Support Enforcement
286 [Division] Services, with the assistance of the Bureau of Child Support
287 Enforcement within the Department of Social Services, as appropriate,
288 without initially seeking to register the order, shall consider and, if
289 appropriate, use any administrative procedure authorized by the law
290 of this state to enforce a support order or an income withholding
291 order, or both. If the obligor does not contest administrative
292 enforcement, the order need not be registered. If the obligor contests
293 the validity or administrative enforcement of the order, the support
294 enforcement agency shall file the order with [the] Support
295 Enforcement [Division] Services of the Superior Court to be recorded
296 in the registry of support orders of the Family Support Magistrate
297 Division.

298 Sec. 13. Section 46b-213g of the general statutes is repealed and the
299 following is substituted in lieu thereof:

300 A support order or an income withholding order issued by a
301 tribunal of another state may be registered in this state for enforcement
302 with the registry of support orders of the Family Support Magistrate
303 Division maintained by [the] Support Enforcement [Division] Services
304 of the Superior Court.

305 Sec. 14. Section 46b-213h of the general statutes is repealed and the
306 following is substituted in lieu thereof:

307 (a) A support order or income withholding order of another state
308 may be registered in this state by sending the following documents
309 and information to [the] Support Enforcement [Division] Services for
310 filing in the registry of support orders of the Family Support
311 Magistrate Division: (1) A letter of transmittal to [the] Support
312 Enforcement [Division] Services requesting registration and
313 enforcement; (2) two copies, including one certified copy, of all orders
314 to be registered, including any modification of an order; (3) a sworn
315 statement by the party seeking registration or a certified statement by
316 the custodian of the records showing the amount of any arrearage; (4)
317 the name of the obligor and, if known: (A) The obligor's address and
318 Social Security number; (B) the name and address of the obligor's
319 employer and any other source of income of the obligor; and (C) a
320 description and the location of property of the obligor in this state not
321 exempt from execution; (5) the name and address of the obligee and, if
322 applicable, the agency or person to whom support payments are to be
323 remitted; and (6) a statement disclosing whether or not any other
324 action or proceeding is currently pending concerning the support of
325 the child who is the subject of such support order.

326 (b) On receipt of a request for registration, [the] Support
327 Enforcement [Division] Services shall cause the order to be filed as a
328 foreign judgment in the registry of support orders of the Family
329 Support Magistrate Division, together with one copy of the documents
330 and information, regardless of their form.

331 (c) A petition or comparable pleading seeking a remedy that is

332 required to be affirmatively sought under other law of this state may
333 be filed at the same time as the request for registration or later. The
334 pleading shall specify the grounds for the remedy sought.

335 Sec. 15. Section 46b-213i of the general statutes is repealed and the
336 following is substituted in lieu thereof:

337 (a) A support order or income withholding order issued in another
338 state is registered when the order is filed with [the] Support
339 Enforcement [Division] Services for registration in the registry of
340 support orders.

341 (b) A registered order issued in another state is enforceable in the
342 same manner and is subject to the same procedures as an order issued
343 by a tribunal of this state.

344 (c) Except as otherwise provided in sections 46b-213g to 46b-213r,
345 inclusive, as amended by this act, a tribunal of this state shall recognize
346 and enforce, but may not modify, a registered order if the issuing
347 tribunal had jurisdiction.

348 Sec. 16. Section 46b-213k of the general statutes is repealed and the
349 following is substituted in lieu thereof:

350 (a) When a support order or income withholding order issued in
351 another state is registered, the Family Support Magistrate Division or
352 [the] Support Enforcement [Division] Services acting on its behalf,
353 shall notify the nonregistering party. Notice must be given by first
354 class, certified or registered mail or by any means of personal service
355 authorized by the law of this state. The notice must be accompanied by
356 a copy of the registered order and the documents and relevant
357 information accompanying the order.

358 (b) The notice must inform the nonregistering party: (1) That a
359 registered order is enforceable as of the date of registration in the same
360 manner as an order issued by a tribunal of this state; (2) that a hearing
361 before the Family Support Magistrate Division to contest the validity

362 or enforcement of the registered order must be requested within
363 twenty days after the date of mailing or personal service of the notice;
364 (3) that failure to contest the validity or enforcement of the registered
365 order in a timely manner will result in confirmation of the order and
366 enforcement of the order and the alleged arrearages and precludes
367 further contest of that order with respect to any matter that could have
368 been asserted; and (4) of the amount of any alleged arrearages.

369 (c) Upon registration of an income withholding order for
370 enforcement, the Family Support Magistrate Division, or [the] Support
371 Enforcement [Division] Services acting on its behalf, shall notify the
372 obligor's employer pursuant to section 52-362, as amended by this act.

373 Sec. 17. Subsection (s) of section 46b-231 of the general statutes is
374 repealed and the following is substituted in lieu thereof:

375 (s) Support enforcement officers of [the] Support Enforcement
376 [Division] Services of the Superior Court shall:

377 (1) Supervise the payment of any child or spousal support order
378 made by a family support magistrate. Supervision of such orders is
379 defined as the utilization of all procedures available by law to collect
380 child or spousal support, including issuance and implementation of
381 income withholdings ordered by the Superior Court or a family
382 support magistrate pursuant to section 52-362, as amended by this act,
383 issuance of an order requiring any party to appear before a family
384 support magistrate on an action to modify a support order pursuant to
385 subdivision (4) of this subsection, and if necessary, bringing an
386 application for contempt to a family support magistrate and, in
387 connection with such application, issuing an order requiring the
388 obligor to appear before a family support magistrate to show cause
389 why such obligor should not be held in contempt for failure to pay an
390 order for child or spousal support entered by the Superior Court or a
391 family support magistrate;

392 (2) In non-TANF cases, have the authority to bring petitions for
393 support orders pursuant to section 46b-215, file agreements for support

394 with the assistant clerk of the Family Support Magistrate Division, and
395 bring applications for show cause orders pursuant to section 46b-172,
396 and in IV-D cases and cases under sections 46b-212 to 46b-213v,
397 inclusive, as amended by this act, enforce foreign support orders
398 registered with the Family Support Magistrate Division pursuant to
399 sections 46b-213f to 46b-213i, inclusive, as amended by this act, and file
400 agreements for support with the assistant clerk of the Family Support
401 Magistrate Division;

402 (3) In connection with any order or agreement entered by, or filed
403 with, the Family Support Magistrate Division, or any order entered by
404 the Superior Court in a IV-D support case upon order, investigate the
405 financial situation of the parties and report findings to the family
406 support magistrate regarding: (A) Any pending motion to modify such
407 order or agreement, or (B) any request or application for modification
408 of such order or agreement made by an obligee;

409 (4) In non-TANF IV-D cases, review child support orders at the
410 request of either parent or custodial party subject to a support order or,
411 in TANF cases, review child support orders at the request of the
412 Bureau of Child Support Enforcement, and initiate an action before a
413 family support magistrate to modify such support order if it is
414 determined upon such review that the order substantially deviates
415 from the child support guidelines established pursuant to section 46b-
416 215a or 46b-215b. The requesting party shall have a right to such
417 review every three years without proving a substantial change in
418 circumstances; more frequent reviews shall be made only if the
419 requesting party demonstrates a substantial change in circumstances.
420 There shall be a rebuttable presumption that any deviation of less than
421 fifteen per cent from the child support guidelines is not substantial and
422 any deviation of fifteen per cent or more from the guidelines is
423 substantial. Modification may be made of such support order without
424 regard to whether the order was issued before, on or after May 9, 1991.
425 In determining whether to modify a child support order based on a
426 substantial deviation from such child support guidelines,
427 consideration shall be given to the division of real and personal

428 property between the parties set forth in any final decree entered
429 pursuant to chapter 815j and the benefits accruing to the child as the
430 result of such division. No order for periodic payment of support may
431 be subject to retroactive modification, except that the family support
432 magistrate may order modification with respect to any period during
433 which there is a pending motion for modification of a support order
434 from the date of service of notice of such pending motion to the
435 opposing party pursuant to section 52-50.

436 Sec. 18. Section 52-259a of the general statutes is repealed and the
437 following is substituted in lieu thereof:

438 (a) Any member of the Division of Criminal Justice, the Division of
439 Public Defender Services or the Family Division or Support
440 Enforcement [Division] Services of the Superior Court, the Attorney
441 General, an assistant attorney general, the Consumer Counsel, any
442 attorney employed by the Office of Consumer Counsel within the
443 Department of Public Utility Control, the Department of Revenue
444 Services, the Commission on Human Rights and Opportunities, the
445 Freedom of Information Commission, the Board of Labor Relations or
446 the Office of Protection and Advocacy for Persons with Disabilities, or
447 any attorney appointed by the court to assist any of them or to act for
448 any of them in a special case or cases, while acting in his official
449 capacity or in the capacity for which he was appointed, shall not be
450 required to pay the fees specified in sections 52-258, 52-259 and 52-
451 259c, subsection (a) of section 52-356a, subsection (a) of section 52-361a
452 and subsection (n) of section 46b-231.

453 (b) The Immigration and Naturalization Service shall not be
454 required to pay any fees specified in section 52-259 for any certified
455 copy of any criminal record.

456 Sec. 19. Subsection (a) of section 52-362 of the general statutes is
457 repealed and the following is substituted in lieu thereof:

458 (a) For purposes of this section:

459 (1) "Dependent" means a spouse, former spouse or child entitled to
460 payments under a support order, provided [the] Support Enforcement
461 [Division] Services of the Superior Court or the state acting under an
462 assignment of a dependent's support rights or under an application for
463 child support enforcement services shall, through an officer of [the]
464 Support Enforcement [Division] Services or the Bureau of Child
465 Support Enforcement within the Department of Social Services or an
466 investigator of the Department of Administrative Services or the
467 Attorney General, take any action which the dependent could take to
468 enforce a support order;

469 (2) "Disposable earnings" means that part of the earnings of an
470 individual remaining after deduction from those earnings of amounts
471 required to be withheld for the payment of federal, state and local
472 income taxes, employment taxes, normal retirement contributions,
473 union dues and initiation fees, and group life and health insurance
474 premiums;

475 (3) "Earnings" means any debt accruing to an obligor by reason of
476 such obligor's personal services, including any compensation payable
477 by an employer to an employee for such personal services whether
478 denominated as wages, salary, commission, bonus or otherwise,
479 including unemployment compensation if a purchase of service
480 agreement between the Commissioner of Social Services and the Labor
481 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

482 (4) "Employer" means any person, including the Labor
483 Commissioner, who owes earnings to an obligor;

484 (5) "Income" means any periodic form of payment due to an
485 individual, regardless of source, including, but not limited to,
486 disposable earnings, workers' compensation and disability benefits,
487 payments pursuant to a pension or retirement program and interest;

488 (6) "Obligor" means a person required to make payments under a
489 support order;

490 (7) "Support order" means a court order, or order of a family
491 support magistrate including an agreement approved by a court or a
492 family support magistrate, that requires the payment to a dependent of
493 either current support payments, payments on an arrearage, or both;

494 (8) "Unemployment compensation" means any compensation
495 payable under chapter 567, including amounts payable by the
496 administrator of the unemployment compensation law pursuant to an
497 agreement under any federal law providing for compensation,
498 assistance or allowances with respect to unemployment.

499 Sec. 20. Subsection (e) of section 52-362 of the general statutes is
500 repealed and the following is substituted in lieu thereof:

501 (e) A withholding order shall issue in the amount necessary to
502 enforce a support order against only such nonexempt income of the
503 obligor as exceeds the greater of (1) eighty-five per cent of the first one
504 hundred forty-five dollars per week of disposable income, or (2) the
505 amount exempt under Section 1673 of Title 15 of the United States
506 Code, or against any lesser amount which the court or family support
507 magistrate deems equitable. The withholding order shall secure
508 payment of past and future amounts due under the support order and
509 an additional amount computed in accordance with the child support
510 guidelines established in accordance with section 46b-215a, to be
511 applied toward liquidation of any arrearage accrued under such order,
512 unless contested by the obligor after a notice has been served pursuant
513 to subsection (c) of this section, in which case the court or family
514 support magistrate may determine the amount to be applied toward
515 the liquidation of the arrearage found to have accrued under prior
516 order of the court or family support magistrate. In no event shall such
517 additional amount be applied if there is an existing arrearage order
518 from the court or family support magistrate in a IV-D support case, as
519 defined in subdivision (13) of subsection (b) of section 46b-231. Any
520 investigator or other authorized employee of the Bureau of Child
521 Support Enforcement within the Department of Social Services, or any
522 officer of [the] Support Enforcement [Division] Services of the Superior

523 Court, shall issue a withholding order pursuant to this subsection
524 when the obligor becomes subject to withholding under subsection (c)
525 of this section. On service of the order of withholding on an existing or
526 any future employer or other payer of income, and until the support
527 order is fully satisfied or modified, the order of withholding is a
528 continuing lien and levy on the obligor's income as it becomes due.

529 Sec. 21. Subsection (h) of section 52-362 of the general statutes is
530 repealed and the following is substituted in lieu thereof:

531 (h) Service of any process under this section, including any notice,
532 may be made in accordance with section 52-57, or by certified mail,
533 return receipt requested. If service is made on behalf of the state, it
534 may be made by an authorized employee of [the] Support Enforcement
535 [Division of the court] Services, or by an investigator or other officer of
536 the Bureau of Child Support Enforcement within the Department of
537 Social Services or by an investigator of the Department of
538 Administrative Services or by the Attorney General. Service of income
539 withholding orders by Support Enforcement Services upon an
540 employer under this section may be made in accordance with section
541 52-57, by certified mail, return receipt requested, or by first class mail.

542 Sec. 22. Subsection (k) of section 52-362 of the general statutes is
543 repealed and the following is substituted in lieu thereof:

544 (k) The employer shall notify promptly the dependent or [the]
545 Support Enforcement [Division] Services as directed when the obligor
546 terminates employment, makes a claim for workers' compensation
547 benefits or makes a claim for unemployment compensation benefits
548 and shall provide the obligor's last-known address and the name and
549 address of the obligor's new employer, if known.

550 Sec. 23. Subsection (d) of section 52-362d of the general statutes is
551 repealed and the following is substituted in lieu thereof:

552 (d) Whenever an order of the Superior Court or a family support
553 magistrate for support of a minor child or children is issued and such

554 payments have been ordered through the IV-D agency, and the obligor
555 against whom such support order was issued owes overdue support
556 under such order in the amount of five hundred dollars or more, the
557 IV-D agency, as defined in subdivision (12) of subsection (b) of section
558 46b-231, or [the] Support Enforcement [Division] Services of the
559 Superior Court may notify (1) any state or local agency with authority
560 to distribute benefits to such obligor including, but not limited to,
561 unemployment compensation and workers' compensation, (2) any
562 person having or expecting to have custody or control of or authority
563 to distribute any amounts due such obligor under any judgment or
564 settlement, (3) any financial institution holding assets of such obligor,
565 and (4) any public or private entity administering a public or private
566 retirement fund in which such obligor has an interest that such obligor
567 owes overdue support in a IV-D support case. Upon receipt of such
568 notice, such agency, person, institution or entity shall withhold
569 delivery or distribution of any such benefits, amounts, assets or funds
570 until receipt of further notice from the IV-D agency.

571 Sec. 24. Subsection (d) of section 52-362e of the general statutes is
572 repealed and the following is substituted in lieu thereof:

573 (d) The Commissioner of Social Services shall adopt regulations, in
574 accordance with chapter 54, setting forth procedures in compliance
575 with federal law and regulations under Title IV-D of the Social Security
576 Act providing for adequate notice of (1) the right to a review by [the]
577 Support Enforcement [Division] Services of the Superior Court, (2) the
578 right to a fair hearing before a hearing officer, (3) a list of available
579 defenses including the defense described in section 52-362h, and (4)
580 procedures for a fair hearing for any person who is alleged to owe
581 past-due support and is subject to the provisions of this section.

582 Sec. 25. Section 52-362f of the general statutes is repealed and the
583 following is substituted in lieu thereof:

584 (a) As used in this section, unless the context requires otherwise:

585 (1) "Agency" means the Bureau of Child Support Enforcement

586 within the Department of Social Services of this state and, when the
587 context requires, means either the court or agency of any other
588 jurisdiction with functions similar to those defined in this section,
589 including the issuance and enforcement of support orders.

590 (2) "Child" means any child, whether above or below the age of
591 majority, with respect to whom a support order exists.

592 (3) "Court" means the Superior Court of this state, including the
593 Family Support Magistrate Division, or the court or agency of any
594 other jurisdiction with functions similar to those defined in this
595 section, including the issuance and enforcement of support orders.

596 (4) "Income" means earnings as defined in subdivision (3) of
597 subsection (a) of section 52-362.

598 (5) "Income derived in this jurisdiction" means any earnings, the
599 payer of which is subject to the jurisdiction of this state for the purpose
600 of imposing and enforcing an order for withholding under section 52-
601 362.

602 (6) "Jurisdiction" means any state or political subdivision, territory
603 or possession of the United States, the District of Columbia, and the
604 Commonwealth of Puerto Rico.

605 (7) "Obligee" means any person or entity which is entitled to receive
606 support under an order of support and shall include an agency of
607 another jurisdiction to which a person has assigned his or her right to
608 support.

609 (8) "Obligor" means any person required to make payments under
610 the terms of a support order for a child, spouse, or former spouse.

611 (9) "Payer" means any payer of income.

612 (10) "Support order" means any order, decree, or judgment for the
613 support, or for the payment of arrearages on such support, of a child,
614 spouse, or former spouse issued by a court or agency of another

615 jurisdiction, whether interlocutory or final, whether or not
616 prospectively or retroactively modifiable, whether incidental to a
617 proceeding for divorce, judicial or legal separation, separate
618 maintenance, paternity, guardianship, civil protection, or otherwise.

619 (b) The remedies herein provided are in addition to and not in
620 substitution for any other remedies.

621 (c) When a support order has been issued in this state and the
622 obligor has earnings subject to income withholding in another
623 jurisdiction, (1) the agency shall on application of a resident of this
624 state, (2) [the] Support Enforcement [Division] Services shall on behalf
625 of any client for whom [the] Support Enforcement [Division] Services
626 is providing services, (3) an obligee or obligor of a support order
627 issued by this state may, or (4) an agency to whom the obligee has
628 assigned support rights may, promptly request the agency of another
629 jurisdiction in which the obligor of a support order derives income to
630 enter the order for the purpose of obtaining income withholding
631 against such income. The agency or [the] Support Enforcement
632 [Division] Services, as the case may be, shall compile and transmit
633 promptly to the agency of the other jurisdiction all documentation
634 required to enter a support order for this purpose. The agency or
635 Support Enforcement [Division] Services also shall transmit
636 immediately to the agency of the other jurisdiction a certified copy of
637 any subsequent modifications of the support order. If the agency or
638 Support Enforcement [Division] Services receives notice that the
639 obligor is contesting income withholding in another jurisdiction, it
640 shall immediately notify the individual obligee of the date, time and
641 place of the hearings and of the obligee's right to attend.

642 (d) When a support order is issued in another jurisdiction and the
643 obligor has income subject to withholding in accordance with the
644 provisions of section 52-362, as amended by this act, [the] Support
645 Enforcement [Division] Services shall, upon receiving a support order
646 of another jurisdiction with the documentation specified in this
647 subsection from an agency of another jurisdiction, or from an obligee,

648 and obligor or an attorney for either the obligee or obligor, file such
649 support order and documents in the registry maintained by [the]
650 Support Enforcement [Division] Services. Documentation required for
651 the entry of a support order for another jurisdiction for the purpose of
652 withholding of income shall comply with the requirements of section
653 46b-213i, as amended by this act. If the documentation received by
654 [the] Support Enforcement [Division] Services does not conform to
655 those requirements, [the] Support Enforcement [Division] Services
656 shall remedy any defect which it can without the assistance of the
657 obligee or requesting agency or person. If [the] Support Enforcement
658 [Division] Services is unable to make such corrections, the requesting
659 agency or person shall immediately be notified of the necessary
660 additions or corrections. [The] Support Enforcement [Division]
661 Services shall accept the documentation required by this subsection so
662 long as the substantive requirements of this subsection are met.

663 (e) A support order registered under subsection (d) of this section
664 shall be enforceable by withholding in the manner and with the effect
665 as set forth for registered support orders of another jurisdiction
666 pursuant to section 52-362, as amended by this act. A support order
667 from another jurisdiction filed under this section shall not be subject to
668 modification by a court or other agency of this state except as provided
669 in sections 46b-213o to 46b-213q, inclusive. Entry of the order shall not
670 confer jurisdiction on any court of this state for any purpose other than
671 withholding of income.

672 (f) Upon registration of a support order from another jurisdiction
673 pursuant to subsection (d) of this section, Family Support Magistrate
674 Division or [the] Support Enforcement [Division] Services of the
675 Superior Court acting on its behalf shall proceed as provided in section
676 46b-213k.

677 (g) An income withholding order under this section shall direct
678 payment to the Bureau of Child Support Enforcement or its designated
679 collection agent. The bureau or its designated agent shall promptly
680 distribute payments received pursuant to an income withholding

681 order or garnishment based on a support order of another jurisdiction
682 entered under this section to the agency or person designated pursuant
683 to subdivision (5) of subsection (a) of section [46b-213f] 46b-213h, as
684 amended by this act. A support order entered pursuant to subsection
685 (d) of this section does not nullify and is not nullified by a support
686 order made by a court of this state pursuant to any other section of the
687 general statutes or a support order made by a court of any other state.
688 Amounts collected by any withholding of income shall be credited
689 against the amounts accruing or accrued for any period under any
690 support orders issued either by this state or by another jurisdiction.

691 (h) The agency or [the] Support Enforcement [Division] Services
692 upon receiving a certified copy of any amendment or modification to a
693 support order entered pursuant to subsection (d) of this section, shall
694 file such certified copy with the clerk of [the] Support Enforcement
695 [Division] Services, and [the division] Support Enforcement Services
696 shall amend or modify the order for withholding to conform to the
697 modified support order.

698 (i) If the agency or [the] Support Enforcement [Division] Services
699 determines that the obligor has obtained employment in another state
700 or has a new or additional source of income in another state, it shall
701 notify the agency which requested the income withholding of the
702 changes within ten days of receiving that information and shall
703 forward to such agency all information it has or can obtain with
704 respect to the obligor's new address and the name and address of the
705 obligor's new employer or other source of income. The agency or [the]
706 Support Enforcement [Division] Services shall include with the notice
707 a certified copy of the order for withholding in effect in this state.

708 (j) Any person who is the obligor on a support order of another
709 jurisdiction may obtain a voluntary income withholding by filing with
710 the agency a request for such withholding and a certified copy of the
711 support order issued by such jurisdiction. The agency shall file such
712 request for a voluntary withholding with the certified copy of the
713 support order from the jurisdiction that entered such order with the

714 clerk of [the] Support Enforcement [Division] Services of the Superior
715 Court and [the division] Support Enforcement Services, acting on
716 behalf of the Family Support Magistrate Division, shall issue an order
717 for withholding. Any order for withholding thus issued shall be
718 subject to all applicable provisions of this section.

719 Sec. 26. Section 52-362i of the general statutes is repealed and the
720 following is substituted in lieu thereof:

721 If the court or family support magistrate finds that (1) an obligor is
722 delinquent on payment of child support, and (2) future support
723 payments are in jeopardy, or (3) the obligor has exhibited or expressed
724 an intention not to pay any such support, the court or family support
725 magistrate may order the obligor to provide a cash deposit not to
726 exceed the amount of four times the current monthly support and
727 arrearage obligation, to be held in escrow by the Connecticut Child
728 Support Enforcement Bureau or Support Enforcement Services. Any
729 funds from such cash deposit may be disbursed by the Connecticut
730 Child Support Enforcement Bureau or Support Enforcement Services
731 to the custodial parent upon a determination by said support
732 enforcement bureau or Support Enforcement Services that the obligor
733 has failed to pay the full amount of the monthly support obligation.
734 Payment shall be in an amount that, when combined with the obligor's
735 payment, would not exceed the monthly support obligation. Payment
736 from such cash deposit shall not preclude a finding of delinquency
737 during the period of time in which the obligor failed to pay current
738 support.

739 Sec. 27. Section 53-304 of the general statutes is repealed and the
740 following is substituted in lieu thereof:

741 (a) Any person who neglects or refuses to furnish reasonably
742 necessary support to the person's spouse, child under the age of
743 eighteen or parent under the age of sixty-five shall be deemed guilty of
744 nonsupport and shall be imprisoned not more than one year, unless
745 the person shows to the court before which the trial is had that, owing

746 to physical incapacity or other good cause, the person is unable to
747 furnish such support. Such court may suspend the execution of any
748 community correctional center sentence imposed, upon any terms or
749 conditions that it deems just, may suspend the execution of the balance
750 of any such sentence in a like manner, and, in addition to any other
751 sentence or in lieu thereof, may order that the person convicted shall
752 pay to the Commissioner of Administrative Services directly or
753 through [the] Support Enforcement [Division] Services of the Superior
754 Court, such support, in such amount as the court may find
755 commensurate with the necessities of the case and the ability of such
756 person, for such period as the court shall determine. Any such order of
757 support may, at any time thereafter, be set aside or altered by such
758 court for cause shown. Failure of any defendant to make any payment
759 may be punished as contempt of court and, in addition thereto or in
760 lieu thereof, the court may order the issuance of a wage withholding in
761 the same manner as is provided in section 17b-748, which withholding
762 order shall have the same precedence as is provided in section 52-362,
763 as amended by this act. The amounts withheld under such
764 withholding order shall be remitted to the Department of
765 Administrative Services by the person or corporation to whom the
766 withholding order is presented at such intervals as such withholding
767 order directs. For purposes of this section, the term "child" shall
768 include one born out of wedlock whose father has acknowledged in
769 writing his paternity of such child or has been adjudged the father by a
770 court of competent jurisdiction.

771 (b) Any person who violates any provision of this section may be
772 prosecuted before any court of this state in the same manner as if such
773 offense had been committed within the territorial jurisdiction of such
774 court.

775 (c) A written agreement to support or any modification of an
776 agreement to support filed with said court or the assistant clerk of the
777 Family Support Magistrate Division shall have the same force and
778 effect as an order of support by the Superior Court and shall be
779 enforceable in the same manner as is provided herein for orders of

780 support issued by the court.

781 (d) Family relations caseworkers of the Family Division and support
782 enforcement officers of [the] Support Enforcement [Division] Services
783 may administer oaths in all affidavits, statements, complaints and
784 reports made to or by family relations caseworkers and support
785 enforcement officers of the Superior Court in the performance of their
786 duties.

787 Sec. 28. Section 53-308 of the general statutes is repealed and the
788 following is substituted in lieu thereof:

789 When any bond or recognizance conditioned for the appearance of
790 any person accused in any information or complaint charging a
791 violation of any of the provisions of section 53-304 becomes forfeited or
792 whenever any person convicted under the provisions of said section
793 gives a bond and fails to comply with the provisions of the same, the
794 court before which such information or complaint is pending or in
795 which such conviction was had, upon collection or settlement of such
796 forfeited bond or recognizance, may order the avails or any portion
797 thereof to be paid to the spouse or for the support of the children or
798 both, in such manner and installments as such court may find
799 reasonable, or may order the avails or any portion thereof to be paid to
800 the selectmen of the town, [the] Support Enforcement [Division]
801 Services of the Superior Court, or the Commissioner of Administrative
802 Services, who shall administer the same for the benefit of the spouse or
803 children or both, as they or he may find reasonable.

JUD **JOINT FAVORABLE SUBST.**

APP **JOINT FAVORABLE**